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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,282	07/12/2001	Jerome P. Fanucci	KAZAK-004XX	2073

207            7590            02/25/2003

WEINGARTEN, SCHURGIN, GAGNEBIN & LEBOVICI LLP  
TEN POST OFFICE SQUARE  
BOSTON, MA 02109

EXAMINER
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GOFF II, JOHN L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/904,282	FANUCCI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John L. Goff	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 30 January 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) 3,4,9,10 and 21-23 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,2,5-8 and 11-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 and 6</u> .	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Applicant's election of species I and sub-species I-A-I, I-B-I, and I-C-I (readable on claims 1, 2, 5-8, and 11-20) in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, 5-8, and 11-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (specification pages 1-3 and 11) in view of Reeves et al. (U.S. Patent 4,463,043).

The admitted prior art is directed to a pultrusion process for forming a composite structural sandwich. The admitted prior art teaches the process comprises feeding a plurality of core elements (homogenous closed-cell foam) butted edge-to-edge in a process direction, feeding upper and lower fiber face skins onto the core elements to form a sandwich arrangement, wetting out the sandwich arrangement with resin, pulling the sandwich through a heated pultrusion die, and heating the sandwich arrangement downstream of the pultrusion die to further cure the resin and form the composite structural sandwich (Specification page 2, lines 23-31 and page 3, lines 1-2 and 9-22).

Regarding claims 1, 2, 5-8, and 11-13, the admitted prior art is silent as to inserting structural elements at the edge-to-edge interface of the core elements. One of ordinary skill in the art at the time the invention was made would have readily appreciated modifying the admitted prior to incorporate structural elements at the edge-to-edge interface of the core elements as it was a well known technique in the art for providing the composite structural sandwich with increased structural rigidity as shown for example by Reeves et al.

Reeves et al. are directed to a building panel (composite structural sandwich) comprising a plurality of foam cores butted edge-to-edge with upper and lower face skins attached to the cores using resin (Figures 1-3 and Column 3, lines 24-27, 32-34, and 43-49). Reeves et al. teach inserting structural elements at the edge-to-edge interface of the core elements to provide the panel with increased structural rigidity and a firebreak (Column 3, lines 27-30 and Column 5, lines 28-31 and 35-37). Reeves et al. further teach the structural elements comprise several layers of glass cloth, and the structural elements are bonded to the foam cores and face skins using the resin that bonds the face skins to the foam cores (Column 5, lines 37-45).

Regarding claims 19 and 20, the admitted prior art teach it is known to use in the pultrusion process core elements for the composite structural sandwich that include reinforcing stitching (Specification page 11, lines 15-17 and in particular Figure 10 and Column 8, lines 7-18 of Day (U.S. Patent 5,834,082)).

### *Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

*John L. Goff*

John L. Goff  
February 20, 2003

*m.w.ball*

Michael W. Ball  
Supervisory Patent Examiner  
Technology Center 1700